श्री सुरेन्द्रजीत सिंह अहलुवालिया : जवाब दें उसका (व्यवधान)

ठाकुर जगत पाल सिंह (मध्य प्रदेश) : आपने नाम लिया था या नहीं लिया था (व्यवधान)

SHRI P. K. KUNJACHEN (Kerala): I draw the attention of Deputy Chairman to Rule *238A...(Interruptions)*

THE DEPUTY CHAIRMAN: Now I want to know if the Members are interested in continuing the discussion on the Constitution Amendment Bills, or not. Otherwise I will adjourn the House. Mr. Maran, do you want to speak?

SHRI MURASOLI MARAN: Adjourn the House.

SHRI PARVATHANENI UPENDRA: We are ready to discuss any time.

SHRi N. K. P. SALVE: Mr. Maran -says, not mow but day after tomorrow.

SHRI PARVATHANENI. UPENDRA; We want the discussion to continue. Let us finish the business.

SHRI DIPEN GHOSH: Let the disfcussion continue,

THE DEPUTY CHAIRMAN; Mr. Maran, your name is listed. You should speak. If you are sitting in the House,, why should I...

SHRI MURASOLI MARAN; I do not mind. But how long are we continuing? *(Interruptions)* it appears that we are not at all serious on chese two Constitution Amendment Bills.

SOME HON. MEMBERS: We are 'quite serious.

SHRI MURASOLI MARAN; I think We are only wasting time. What is the use of speaking?

THE DEPUTY CHAIRMAN: Fine. If the Members do not want, I can adjourn the House. I want the consensus of the House.

SEVERAL HON. MEMBERS, No, no.

THE DEPUTY CHAIRMAN: You want to continue?

SHRI DIPEN GHOSH; We would like to continue the discussion. -

THAKUR JAGATPAL SINGH: Let us continue, Madam.

SHRI VTSHVJIT P. SINGH; We want to discuss the Bills.

THE DEPUTY CHAIRMAN; We will continue. ... *(Interruptions)* ... Don't get agitated. We are discussing the Bills. Yes, Mr. Maran.

1. THE CONSTITUTION (SHXTY FOURTH AMENDMENT)BILL,19892. 2.THE CONSTITUTION (SIXTY-FIFTH AMENDMENT) BILL, 1989— *Contd.*

SHRI MURASOLI MARAN: Madam Chairman, I rise to oppose these two Bills because I am one of those persons, as Advaniji has referred to, who is full of indignation even at the sight of the two Bills because these two Bills declare a war on the States by usurping their rights and encroaching upon what little autonomy they have. Madam according to me, these two Bills are instruments of agression because they intend to occupy legislative fields exclusively reserved for the States.

[The Vice-Chairman (Shri V. Narayanasamy) in the Chair]

The Prime Minister and other Congress leaders have described the Bills as historic. Yes, they are historic because, like the draconian provisions in the 42nd Amendment and the Emergency—(the two ugly blots on the Constitution which took away the basic rights and freedoms of the citizens of India these two outrageous

Constitutional amendments brazenly take away the rights of the States, •kill federalism and subvert the very basic structure of the Constitution.

Sir, you may ask the question: What are your views regarding panchayati raj? Yes, we feel that panchayati raj should be recognized by the Constitution. We want Constitutional stipulation for periodic local body elec tions and the local bodies should not be superseded without proper reason. We want Constitutional amendment for just that and no more.

Mr. Vice-Chairman, in this regard I would like to quote what the Chief -Minister of Tamil Nadu has written to the Prime Minister of India, I' quote:

"It would be best to treat the proposed Bill as a set of suggested guidelines and leave it to the States to modify or improve their panchayat legislations in the light of the provisions in the Bill, If, instead the Bill is pressed, it will only introduce needless discord and rigidity in a matter in which consensus and flexibility are called for. We would, therefore, urge you not to • proceed with this measure. If this suggestion is not acceptable, I would request you to convene a meeting of Chief Ministers to discuss the matter once again in the light of the proposed amendments to the Constitution. The Bill may also be discussed with the leaders of all political parties represented in Par-, liament."

Sir, this is a suggestion made by Mr, Gurupadaswamy also. We could have created a consensus because almost all the parties are willing to give Constitutional recognition to the local bodies. We are willing that the Constitution should say when elections should be conducted for the local bodies. The fixity of tenure should , be there and the local bodies should not be superseded for silly and flimsy reasons. We are all one, almost all parties are one on this. That is why •pur Chief Minister insisted that besides the Chief Ministers' conference a conference of all the political party leaders should be conducted and we could have evolved a consensus. But it was not conceded. So, it shows the mind of the ruling party.

Sir, all the provisions in the Bills relate to subject-matters for legislation by the States. The previous speakers have made it very clear. Entry 5 of List II of the Seventh Schedule says, "Local government" including all local authorities for purposes of local self-government. The subject vests with List II, that is, the State List, It is entirely in the domain of the States. So, in spirit and substance the amendments amount to inroads into the autonomy and exclusive powers of the State Govrenments. So, it is our view that this Parliament has no legislative competence to bring these Bills. In fact, if you want to usurp their powers, if you want to take away some of their provisions, some of the entries in the State List, there is Article 249. You can bring in a resolution here in Rajya Sabha, and _you can take away any subject, matter any entry from the State List for one year by bringing a resolution by passing a resolution in Rajya Sabha. But you are not doing it. So, if you really want the power to Parliament to legislate with respect to a matter in the State List in the national interest, there is a way. Article 249 provides for that. But you are coming through the back door to usurp the powers of the States. Sir, it is a treacherous act, I would say.

Then the power to amend the Constitution under Article 368 is a very wide power, but it does not include the power to destroy or emasculate the basic elements or fundamental features of the Constitution. The edifice of our Constitution is built upon and stands on several pillars. You remove any one pillar. The entire basic structure, the entire Constitution collapses.

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Sir, the seven Judges who delivered the judgement in the Kesavananda Bharati case, have affirmed the doctrine of the unamendable basic structure of the Constitution. Among them, three Judges, namely Chief Justice Sikri,, Justice Shelat and Justice Grover, have given the seal of approval for the federal character as an inseparable part of the basic structure. So the Kesavananda Bharati case judgement still is the law of the land. It has not been superseded. So, the federal character is one of the basic structures of the constitution.

You may say, India is not federal. People say, it is quasi-federal. Some: people say it is federal but loaded in, favour of the Centre biased in favour of the Centre, it may be true, it may vary in degree. But basically it is federal. It may be more federal or less federal. It is a different matter. It may not be a wholesome federation like the United states of America or Canada or Australia. That is a different matter. But it is federal. It has got a federal character.

But, of late, I am seeing that some senior Ministers, senior leaders are going about saying that India is not federal. Sir this is something astounding. They say, it is unitary. Now I remember that the hon. Prime Minister has also stated that the word "federal" is not to be found in the Constitution of India. I am very sorry for his ignorance. The word ″ federal" is not to be seen in the Constitution of the United States also. But nobody would say that the Constitution of the USA is not federal. Only a fool would say it. It need not be there. The word "union" denotes that ours is a federal constitution.

Dr. Ambedkar has clearly stated in the Constituent Assembly:

> "I can tell you why the Drafting Committee has used the word union. The Drafting Committee wanted to make it dear that though India was to be a federation, the federation was not the result of an agreement by the States to join a federation. And the federation not being the result of an agreement, no State has the right to secede from it. The federation is . the union because it is indestructible."

So, he did not want to use the word "federal" because, as you know, any student of Politics knows, "federa-. tion" means *jozdus* that some agreement should be there. In India it was not present. Even though we have not used the word "federal", - we are federal, We are quasi-federal. We want it to be fully federal. We want our federation to be a wholesome federation.

Not only that, Pt. Nehru has also said that India is federal. I want to quote from Panditji's letter;

> "We are a federal union with a large measure of autonomy in the States. I think, this autonomy is good."

Sir, these words are from the letters of Panditji which he wrote to the Chief Ministers on November 15, 1954. That was the respect he has shown to the Chief Minister. That was the respect he showed to the principle of federalism. That was the respect he showed to the principle of consensus. This year happens to be the Nehru Centenary Year, but you are not respecting his wishes. Just now I have quoted Ambedkar who said: 'India is a federation.' You as a unveiled a portrait of Dr. Ambedkar in the Gentral Hall only a few days ago,, but you are trampling upon his words and saying India is not at all a federation. This is a very dangerous concept. So, *X* would like to ask the -rulers to correct themselves. If you want to make this country unitary, you will be going into quicksands of history. By these two Bills you are destroying the federal character. For example Schedules XI and XII are ■Qie

central pieces of these two legislations. For example, here in the Constitution we have List II as the State List, Look at Schedule XI—the Panchayati Raj Schedule. In that 20 entries are there. In the Municipalities and Nagarpalika Bill in Schedule XII, there are 37 entries. In the Constitution, the State List consists only of 66 entries. If you add up these, 29 plus 37 comes to 67. So, tates are given only 66 entries and these two Bills—Municipalities and Panchayats—take away 67 powers. Strangely none of these powers has been deleted from the State List. Say, for example in Schedule XI agriculture forms part of Entry 14 in List I. Then land improvement^ soil conservation etc. is Entry 18 in the State List; animal husbandry, dairy and poultry is Entry 15 in the State List; Fisheries is Entry 21 in the State List; Market and fairs is. Entry 28 in the State List; public health, sanitation etc. in the Nagarpalika Bill is Entry 6 in the State List. Hospitals, primary health centres, dispensaries also belong to Entry 6 of the State List. Then burials and burial grounds, cremation and cremation grounds is Entry 10 in the State List. Burials and burial grounds are not given to Panchayats, but only to Municipalities. Probably they want; to have electric cremation grounds. That is how they are thinking like this. So, these are all double entries. Almost all the entries found in Schedules XI and XII are found in List H. So, these subjects are not deleted from the State List, but are now given to the local boards. Is it not denuding the powers of the States, I want to ask you? Does it not change the federal character and basic structure of the" Constitution? ' You have not deleted the same entries in the State List, but are adding and donating them to the Panchayats and Municipalities. So, my opinion; is you are (reducing the States to nullity. Parliament cannot arrogate to itself the role of an official liquidator of the States. That is my opinion. Because Rajiv Gandhi has not won in any single election in the States, he wants to take revenge on the States, bypass them and destroy them. This appears to be the intention of the ruling party. You are not tampering with one entry alone; most of the entires are tampered with. But they may say why Schedules XI and XII are here? They may say: the State may, by law, endow the Panchayats; the States may, by law, endow the municipalities and Nagarpalikas. They may say O.K. these powers are with the States. They may, by law,' endow it. So, the opportunities may be given to them. They may say like that. But in effect it is not like that. The may' here is going to be 'Shall'. No less a person than the former Law Minister, a legal luminary, Mr. Shiv Shanker, has said: We will compel the States to obey these provisions. If they do not endow these powers to the Municipalities or Panchayats, then we will use Article 356 and dismiss the State Governments. Without shame he said that. What is the logic? I would say this is the logic of a terrorist. The terrorist uses his gun. The Congress people use article 356 to terrorise the States. So there is no difference between this terrorist and that terrorist.

7.00 P.M.

SHRI V. GOPALSAMY: Neo-terrorists.

SHRI MURASOLI MARAN: Yes, I would call them neo-terrorists.

Sir, these two Bills are like the tip of an iceberg. So these are the tips. There is. a lot of hidden mischief in these Bills. We have to go beneath and read between the lines to understand the hidden mischief. A distinction is sought to be made. For example, while dealing with the functions of the Municipalities and the Panchayats, they are given powers with regard to preparation of plans for economic development and social justice. Not only preparation of. plans but implementation of schemes .also. Here is a subtle difference. So they make a difference between preparation of a plan and implements-

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tion of a scheme. Sir, here is the hidden mischief. Does it mean that the States will not have the right to prepare the plans? You make a distinction in' the preparation of plans. You give all the powers to the Panchayats and to the Municipalities. Does it mean that the local bodies alone will be entrusted with the implementation of the schemes? To use the words of Mr. Upendra, this is a diabolical scheme. I will tell you how. It has got a history behind it. In ...1987-88, the Prime Minister held a series of workshops of District Magistrates and Collectors on the theme of "responsive administration." A further discussion took place among top officials and a report was submitted in 1988. The report, it seems, recommended details about who will be in charge of planning, execution and monitoring of plans at the district level. So they have taken district as a unit. So they have given who will be in charge of planning, who will execute it and who will monitor; it. It is going to be the District Magistrate or the District Collector who will be the Chief Executive Officer. The District Magistrate or Collector will deal with law and order as well as with the development also. So it is very clear, it is not power to the people. Delhi wants to control the Panchayats and Municipalities through DMs. So it is the rule of PM through DM. It is their idea. They want to do it—PM through DM.

SHRl M. A. BABY (Kerala): Don't you know that the Prime Minister is contemplating convening of a meeting of Head Constables also so that law and order can be looked after.

SHRI MURASOLI MARAN: I am not aware of it?

Sir, the mischief does not stop here. Our fears -of PM operating through DM are reinforced by the setting up recently of the National Informatics Centre at Delhi. What is their function? Their function is to collect data at block level. Sir, NIC" will be manned not by the State Government officials—no State Government officials will be there at the 'block level—but it will be completly staffed by the Central Government for preparation of model district plan. They will be collecting information and that information would: be used plans. Recently they had trial-balloons also, A model district plan was prepared in respect of Almora district in Uttar Pradesh at the instance of the Central Government. What is the next step, you can imagine. The next step will be the vetting of district plan by the Planning Commission bypassing the State Governments. So they are making the State Governments irrelevant.

Sir, another thing is that everybody from the other side talked about uniformity. Why should there be uniformity? i cannot understand. Sir, in Tamil Nadu, for example, during elections, the Prime Minister visited 13 times. Every time he uttered the word Perunthalaivar Kamraj. Every sentence was 'filled with Kamaraj Kamaraj. We will create a Kamaraj raj. We will do this in the name of Kamaraj. But what is the thing that has happened in Tamil Nadu? For example, the Panchayati Raj was originally created during the regime of Perunthalaivar Kamaraj. During his regime, the foundation was laid. He created the apex level of district boards, the upper tie* of the Panchayati Raj, the third level tier. But very soon he found that it was filled up by feudal lords and caste leaders. So, he abolished it. So, the people of Tamil Nadu are full of praise for Kamaraj for this kind of achievement. I challenge this party, come to Tamil Nadu and say, we have given' power to the people through the District Boards and direct elections. Can you tell us?... (Interruptions)...

SHRI K. V. THANGKABALU (Tamil Nadu): . We will challenged Don't worry. (Interruption).

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. V. Gopalsamy, allow Mr. Mara$_n$ to speak.

SHRI MURASOLI MARAN; Mr. Thangkabalu is challenging Kamaraj and not me because he does not know Kamaraj. He knows only Rajiv Gandhi. What Kamaraj undid, you want to do. (Interruptions)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Maran, don't enter into argument with the...(Interruptions) ...

Mr. Gopalsamy, you allow Mr. Maran to speak.

SHRI MURASOLI MARAN: There are certain special' features in every State. Do you think that every State is the same? You are wrong. Every State is special, unique and distinct in its own way. Do you mean to say Tamil Nadu is like Andhra Pradesh or Andhra Pradesh is like Kerala? No. I belong to Thanjavur district. East Thanjavur is totally different from west Thanjavur in all aspects. Now, you want uniformity. What kind of uniformity you want? *(.Interruptions)* .. .1 know it hut I do not want to mention it. Your own partymen are responsible. I do not want to go into detail. (Interruptions)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Don't react to all the details.

SHRI MURASOLI MARAN; We have got certain specialities. Take for example, Karnataka. During Hegde's rule, they have done wonderful things. But you cannot expect that the same thing will become a success in Tamil Nadu. For example, over the years, we have a time-tested Panchayati Raj system. We have got only two tiers. For example, In the lower Panchayat. level and in the intermediate level, i.e. Panchayat Union level the elections are direct elections. There is no indirect election. But what are you going to do through these two Bills? You are bringing back direct elections. What does indirect election mean? That means the money-bags, boot ledgers, those people will be ruling. The voters will be kidnapped. They will be threatened. They will be coerced. Money power will play a big role. So, I want to ask a question; are you gaining power to the people or you are going to give power to the feudal lords, caste leaders and underworld dons? No, we cannot accept that. So, purposely I accuse that because you have money power,' because you have underworld links, you want to continue these indirect elections. Otherwise, there is no reason why you should have it. You yourself know even in Pondtcherry what hag happened, I want to ask you, Sir. He konws be-cause he belongs to Pondieherry. I tell you, in Tamil Nadu,, poor people have become chairman of municipalities. Poor people have become chairpersons of panchayat unions. How? Because there is direct election. People vote for the parties. That is how these poor people who serve the public, who serve the poor, are elected. If you make elections indirect, only rich money-bags, feudal lords and underworld dons will come. So, I would like to tell the Government, this *is* very dangerous, this is a retrograde step. How do you expect the people of Tamil Nadu to digest this? If you say these Bills are election gimmicks. I am not worried. You come to Tamil Nadu and tell the people. We are not afraid. People .'know. This alone will defeat you, defeat the Congress or whoever utters this because they know that this; does not give power to the people; this gives power to the bureaucrats;, this gives power to the money—bags; this gives power to the feudal lords; this gives power to the slum lords and underworld dons. So we are not worried about these Sills. But you are going to multiply the Central bureaucracy. (Interruptions). I am going to ask you. As Advaniji pointed out these two Bills are" full of unwanted details, flimsy details. You want to give everything to the Election Com-

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mission as if the Election Commission *is* a paragon of virtue. We know that the Election Commission is subservient to you. If they want to conduct a by-election, they will come to the Government and ask, "When can we have it?" As if the Election Commission is a paragon of virtue you have put in the Election Commission. Then, the C and A G. I cannot understand. Only recently you have castigated them. Why are you bringing them again? Suddenly you have l°ve and affection for the C and A G. I think.you are in a fool's paradise. As Advaniji has put it, I think those who have drafted these Bills, those flunkies, have never seen, never known the history and geography of India. instead of the Prime Minister going to Lakshadweep and Aandamans he should go to a village and live there for ten days. Then he will understand the realities. There are thousands of villages, lakhs of villages. Their accounts are, the smallest .village will have Rs. 5000|_ to Rs. 10,000]. as its income. Do you mean to say the O and A G will go there? What is this? Sir, this is absurd; to say the worst. For example, in our State, the Examiner of Local Accounts is looking after, is auditing the accounts and he is auditing twice a year. Part I is inspected half-yearly and Part II is inspected annually. Do you mean to say the C and AG will go annually and half-yearly to those remote villages? How is it possible? The people who have drafted these do not know anything. For example, in Tamil Nadu, our Legislature is going through the Report of the Auditor-Genera", issued two years ago. So much work is pending. If they are to look after the accounts of the several lakhs of villages, what will happen? So, the intension is clear. If you want to give the-panchayat raj and the municipal raj in the hands of moneybags, nothing will work. There won't be any auditing. These two Bills are. fraught with dangers.

Sir there is another thing. In fact, you should consider those States like (Karnataka, Andhra. Pradesh, West Bengal and Tamil Nadu and other . States where these local boards are a success. You should go and study. You should have gone there. I think once at least the Prime Minster has praised these States—I think without mentioning Tamil Nadu. So i thank him. Take, for example, the United States. We know the New Deal of President Roosevelt. Do you think it was his original idea? I am quoting this. He borrowed it from the States. Sir I quote. "FDR's initiatives including Unemployment compensation, massive public works programmes, deposit insurance and social security; are modelled on successful State programmes." A Supreme Court Justice, Louis Brandis, said in his famous judgment:

> "It is one of the nappy incidents of the federal system that a single
> - courageous State, if its citizens choose eould serve as a laboratory, and try n°val social and economic experiments without risk to the rest
> - of the country."

Here are the laboratories: Karnataka, Andhra Pradesh, West Bengal and Tamil Nadu. Take, for example, the mid-day meal scheme. It was introduced by Kamraj and then improved upon by MGR. It wag a laboratory. Then there was also the Rs. 2 a measure rice schema.which was created in Andhra Pradesh laboratory. Instead of considering the States as your laboratories, you are going to. create, uniformity. I am against the 'word ' uniformity? How can you use it for the whole .of India* Can you bring in a uniform civil code? Do you have the courage to do that'? No. Why? For legitimate reasons. I agree with you. Some people may Sofc agree . with you. Then why are you bringing in uniformity in regard to panchayats and nagarpalikas alone? This is very dangerous. ,' You are Creating centralisation, in fact, the them of. centralisation runs through the fabric of these Bills. . Do you think that this, sub-continent .can be

run from one centre? But that is your idea. Now after passing these two Bills, if it is possible, you are going to lay your hands on cooperatives. One after the other, you are going to do that ____

SHRI PABVATHANENI UPENDRA: He threatened the judiciary also.

SHRI MURASOLI MARAN; Yes, but judiciary is very small. As Mr, Baby has put it, they can touch law and order, all the constables. What will happen? 1 will be very happy if it is possible and if you can manage it from the Centre. But no. Please look at the history. The Maury as tried that experiment of centralisation; they failed. The Guptas tried it; they failed. The Moghuls tried it; they failed. You should take" appro-, priate lessons from history. With, the advancement of science and technology the world has become a global village, it is true. But on the other hand reginalism and separatism—I mean pluralism have also grown side by side .In countries like the USA, the USSR, Australia Canada there is federalism, Why? For example, in Canada Australia and USA; have they done away with federalism? No, not possible. Why That is what they call due to the tyranny of geography. In such a big country, with a vastgeographical area one State is industrially advanced, one is an agricultural State; one State is a desert. How can you reconcile these different types of States in such a big country? Only federalism can reconcile them. We are a country of continental proportions. Only federalism can succeed here. You cannot ignore its diversity. If you ignore it if you impose uniformity, if you create more centralisation,'the whole thing will crumble under its own weight. This is a fact of history. Therefore, I would say these two Bills will emaciate the States making Panchayati raj and municipal raj unworkable and ineffcient with a huge Central bureaucracy and an appressive Centre. These two Bills have been brought to subvert the fundamental, basic; federal; Character of the Constitution by converting it into a unitary one. This political advanturism is dangeroug to the unity and integrity of India. We cannot be a party to the destruction of the basic structure of the Constitution. In the unlikely event of the Bills being passed, I -assure you that the States which are conscious of their rights will go to the Supreme Court to test there Constitutlonal validity. I hope that occasion will not arise.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY); Now the honourable Minister of State for Rural Development, Shri Janardhan Poojari, will intervene.

THE MINISTER OP STATE IN THE DEPARTMENT OF RURAL DEVELOPMENT IN THE MINISTRY OF AGRICULTURE (SHRI JANARDHAN POOJARI): Mr. Vice-chairman, Sir, as the Minister for Rural Development looking after the Panchayati Raj institutions and the Jawahar Rozgar Yojana and other programmes for rural development, I am speaking now.

I have heard with rapt attention the contribution made by the Opposition parties and also by the Treasury Benches. For the benefit of the honourable Members; at the very outset; Sir, I wish to submit that I have not intervened or interrupted even though there was provocation. In fact, I followed the rules and I never interrupted when the honourable Members were speaking. I expect the same treatment from you also for us and I sincerely hope that the honourable Members on both the sides would nave the patience to hear me too.

Sir the honourable Members, Shri Upendraji and also Shri Advaniji, raised certain points: certain important issues. They have stated that it is an encroachment on the powers of the States and It is

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going to destroy the basic structure. That is the point made by the honourable Member from Tamil Nadu from the DMK Party also. It has also been stated that we want to prepetuate the Rajiv Raj.... *(Interruptions)..,*

SHRI V. GOPALSAMY: That is not possible.

SHRI JANARDHAN POOJARI: Who has stated this? The honourable Member from Andhra Pradesh, Shri Upendraji; has stated that. It is a clear statement from that honourable Member that by these measures we are going to perpetuate the Rajiv Raj in this country. That, means you are admitting that it is a good measure by which we are going to perpetuate the Rajiv Raj.... (Interruptions)...

SHRI PARVATHANENl UPENDRA; I. said that you are seeking to perpetuate the Rajiv Raj through the Panchayati Raj... (I*nterruptians)...*

SHRI JANARDHAN POOJARI; Mr. Upendra, I respect you. Even though there was provacation; I did not interrupt you.

SHRI PARVATHANENl UPENDRA. Don't misquote me.

SHRI JANARDHAN POOJARI: This is what you have stated. It has come in the papers also and I was hearing you and I was noting down. So you are scared of these measures. You do not want these measures to ,be adopted by the nation. Now, I fully agree with the honourable Mem-,.ber, Advaniji; and to a certain extent; with you also. Her© it has been stated that the State Governments have been flouting thire own statues. *... (Interruptions)...*

PROF. C. LAKSHMANNA; Who has stated that?.... *(Interruptions)...*

, SHRI-,.. JANARDHAN POOJARI: Please hear me. Prof. Lakshmanna. you are a respected Member and you have been teaching in the classes, and you have been- teaching the students Please hear me and please remember that I have not interrupted you at all. So, please hear me.

Sir, the honourable Member, who is a senior leader in this House, Shri L. K. Advani, has stated that in the Congress (I) ruled States the elections are not held regularly. But I will sa_v that not only in the Congress (I) ruled States but also in the Opposition ruled States, the elections are not held *to* the local bodies regularly In the Opposition-ruled States elections to the urban bodies are not held regularly. In the State of Karnataka elections are not held to the local bodies even alter the expiry of the 5-year term. The Janata Dal did not hold the election. Even in the case of Tamil Nadu they wanted to hold election for Madras Corporation and f^{or} other local bodies also. They did not hold the electibns. So even there are provisions in the State laws to hold elections regularly. 'These elections are not held as stated by our respected Advaniji. This is the thesis. Now. if that is the thesis, as the hon. Member Shri Advani has stated, according to you: there was no Swaraj. Swaraj has come only now. That is what he has stated. (Interruptions)

You have got a bad habit, Mr. Professor, I do not know how your students were. *(Interruptions)* .

PROP. C. LAKSHMANNA; If my students made false statements or wrong statements like you and I do not correct them... *(Interruptions)*

SHRI JANARDHAN POOJARI; Mr. Professor, L. K. Advaniji is sitting. He can say. He can stand up and say that Poojari is wrong.

SHRI LAL K. ADVANI; If you want me to say I will say it. Mr. Vice-Chairman. Sir, because he referred to me and pointedly quoted me.

I did refer to the Prime Minister's speech yesterday I said that I was surprised to hear from the Prime Minister that Swaraj in the real sense of the word has come to the people of India only now I stated that that statement not only smacked of arrongance but it was a denunciation of his predecessors in office.

SHRi JANARDHAN POOJARI; Sir here now, inside Parliament, as the responsible Parliament Members; you are bringing out the deficiencies the shortfalls,- in the system. Outside Parliament also you are bringing out the deffciencies and shortfalls. Now whether as responsible Members of Parliament or the political personalities in the country, we have to rectify or we have to continue with that thesis, this the moot question for consideration of this august House, whether we have to bring improvement in the system or we have to be satisfied with the system and this Constitution also, whether it should be static, there should not be any devolvement, whether there should not be

• any improvement. Now, as you are the responsible Members of Parliament the highest body; the people look at you. That is why in 1975 Shri Jayaprakash Narayanji and others went to the President "and represented. And not only that. When you were ruling the country between 1977 and 1979 you appointed a committee, Ash ok Mehta Committee. You told them that there should be some improvement. What did the Ashok Mehta Committee do? They have given a sample for us, the Constitution, to be adopted by us,. And then, after having come into powe'r the Prime Minister of the country, a young man, when he entered the Prime Minister's office, he did not sit, as the hon. Member from the DMK party has stated, in an ivory tower; he went to every nook and corner of the country. It was the toughest tour. You have also witnessed it. Let us not forget. If at all somebody is working, let us accept it; let us admire it also. What has he done? He his ,gone to the people. First *he* went to the people to find out whether we are giving them th esrvice and whether the people are getting the benefits of the Government programmes.

SHRI LAL K. ADVANI- Mr Vice Chairman, sir, with your permission I would like to understand what would be the implications of adoption of these Bills in a State like Tamil Nadu where the two-tier system is working very well. What they will have to do is to abolish the whole set-up and bring in.a new three-tier system according to this Bill. Why is this kind of uniformity being imposed on all the States? Why not add one single provision that we have suggested and that is: "Though this may be the Bill, it would 'not be obligatory for every State to adopt it"? You just explain it.

SHRI JANARDHAN POOJARI. We will explain and every point. But. at the same time, the hon. Member should know that it is my duty to answer the questions raised by the hon. Members. , When there is an attack on this Bill from various angles, I have to meet the points one by one. That liberty at least -should be given to me. For that must have patience.

Now we heard Mr. Upendra. We have given him sufficient time. We heard him for two days. For your information he repeated in the beginning what he had stated earlier. I have, noted all the points. Now you must also have patience. The Prime Minister, after consulting the people, called meetings of District Collectors. Why did he convene those meetings of District Collectors. Hon. Members from the opposition— I partieuarly mention Advianiji—are also interested in the welfare of the peor

[Shri Janardhan Poojari]

pie. Why did I say particularly Advaniji? Because he is not 'ruling any State.

SOME HON. MEMBERS: Haryana.

SHRI JANARDHAN POOJARI: Yes. He is an ally there. It is an amendment. They are ruling under Devi Lal. Now let us see the pertacmance of the States. I am giving the performance not only of your States hut also of the Congress-ruled States. The people want implementation of the programmes. The programmes should be implemented efficiently and the benefit should go to the people. Now, I am just giving the ■performance of the States. Andhra Pradesh: A total resource of 58.17 crores of rupees was made available.

SHRI SUKOMAL SEN; West Bengal): What is the relation between the two Bills and the local performance? First of all, you list your own failures.

SHRI JANARDHAN POOJARI: This is the trouble with you. You don't want to hear. This is the trouble. It is better for all of us. I will give the figures of Congress-ruled States also. Don't worry. A sum of Rs. 58.17 crores was made available to Andhra Pradesh. The expenditure was Rs. 47.35 crores.

SHRI MURASOLI MARAN: What is it for?

SHRI JANARDHAN POOJARI: This is for NREP.

SHRI PARVATHANENI UPENDRA: What is the relation between NREP, Jawahar Rozgar Yojha and Panchayat Bill? Is there any mention of these things in the Bills?

PROF. C, LAKSHMANNA: On a point of order, Sir.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Stirictly it should be on a point of order.

PROF. C. LAKSHMANNA: Strictly. Mr. Vice-Chairman, Sir, the Bills under discussion have a procedure for the devolution of finances. Under this, there will be a Finance Commission to be appointed, and that Finance Commission ' will determine as to what portion of the State's resources will flow to the Panchayats. Therefore, there is nowhere any discussion about the money that there is nowmoney that is being given by the Centre to the Panchayats. Therefore, what is the point in bringing in he're by the Minister as to what has been given under NREP and what has been the performance of the States? How is that related to this?

SHRI PARVATHANENI UPENDRA: It has no relevance.

PROF. c. LAKSHMANNA; Sir, we are not here discussing as to what has been the performance of differnt States with regard to the money that is devolving from the Centre to the States, etc. If there has to be a discussion on that, that will be a different occasion and we can discuss about it. That is why I said in the beginning itself that let this discussion on the Panchayati Raj Bill and the Nagarapalika Bill be confined to the aspects of it. And if somebody is going out of it and trying to discuss what is not part of it, then, I thank, it is not fair on the part of anybody to discuss that. Therefore, I would like you to kindly ask the Minister to confine himself only *to* that. '

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The Minister is within his right to refer *to* any ..expenditure incurred by each State on various schemes. And he is telling that in relation to the Panchayati Raj institutions in the country. Therefor, he can speak.

SHRI JANARDHAN POOJARI! Now, Sir, the performance of Karnataka in 1985-86... Rs. 45.13 crores

was made available. They spent only Rs. 37.82 awes. Then comes Kerala. The resources made available was Rs. 24.39 cro'res. They spent Rs. 18.96 crores. In the case of West Bengal, Rs. 51.51 crores was made available. They spent Rs. 28.39 crores,. The performance is 55.12 per cent, likewise, for your information, here Rs. 85.82 crores was made available. They spent Rs. 70.65 .crores. The performance is 82.32 per cent. In the case of Goa, they have made available Rs. 77.6 crores and they spent Rs. 77.6 crores which is 100 per cent performance. Then in the case of Gujarat...

SHRI CHATURANAN MISHRA (Bihar): is it because of s very high leakage in expenditure in the Congress States?

SHRI JANARDHAN POOJARI: - It could be stated anyway. But the point is that this is the performance. Elections are not held, funds are also not going, and authority is also not there. More powers should °e given to the Panchayati Raj institutions. That is the desire of the Panchayati Raj 'representatives. They have stated irrespective of the party affiliation that there should be improvement. Now, so far as the elections are concerned, as I stated earlier, even though there is a provision, it has been flouted. What is the remedy? If it is incorporated in the Constitution, it will be a constitutional obligation. They cannot flout the election. They cannot manipulate the election. And then elections will be held regularly. Now, hon. Member Shri Upendra and also Shri L. K. Advani have Stated that so far as this aspect is concerned, they would have agreed for that. That means, this is not affecting the basic structure. It is a clear admission. If the provision is made in the Constitution for holding the election regularly, there is acceptance by Andhra Pradesh and also by Advaniji. That means, there the basic structure is not affected even though we bring in the Constitutional Amendments. Then there will also be 30 per cent reservation for women. *I* don't think any Member of this House will be against this provision.

SHRI D. B. CHANDRE GOWDA: The point made by Advaniji was that People's Representation Act cannot be a Part of the Constitution. You don't try to bring it as a part of the Constitution. That was the point made.

[THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG) in the Chair.]

SHRI JANARDHAN POOJARI: I am not yielding because I did not interrupt when they were speaking.

SHRi CHATURANAN MlSHRiA: I am asking that since Chairpersons are changing hands, whether Members will also be allowed to change their hands. How long are we to sit here? Till what time are we required to sit? We should know about it.

उपसभाध्यक्ष (श्री मीर्जा इर्शादबेग) : आप लोगों की राय क्या है ? (**व्यवधान**) आभी इनकी स्पीच तो होने दीजिए मिश्र जी, पहले इनकी स्पीच खत्म होने दीजिए, फिर एक-आप स्पीकर और बोल लें।

श्री चतुरानन मिश्र : बहुत-बहुत धन्यवाद, अगर इनका खत्म करके ही हम लोग खत्म हो जाएं तो . . (**व्यवधान**) . . .

SHRI JANARDHAN POOJARI; About this reservation of 30 per cent, some states are agreeable but West Bengal Government is not prepared to give reservation for women.

SHRIMATI KANAK MUKHERJEE (West Bengal): There are ten thousand elected women in all -------

SHRI JANARDHAN POOJARI: We know we went there.

.,' SHRIMATi KANAK MUKHERJEE: Even without reservation,We are providing it. We are providing equal

. [Shrimati Kanak Mukherjee]

Opportunity to women without reservations. So don't worry about West Bengal.

SHRI JANARDHAN POOJARI: Here if one State does not want to provide for reservation for women, what is the remedy? If it is, incorporated in the Constitution, I don't think hon. Members would object to it.

Then, he stated about devolution of funds or decentralisation of powers and that it should not be from the middle stage and should start from the top. For the benefit of the hon. Member, i can tell the House that so far as devolution from the Centre to the States with regard to funds is concerned, the're is a provision for setting up of a Finance Commission for the States. It is already there. Under the Constitution the're is no provision for a Finance Commission from the State to panchayati raj institutions. Setting up of State Finance Commission is provided in the Constitution but composition and terms conditions are left to the State Government. The Central Government is not interfering as to who is to be appointed for the State Finance Commission. It is also left to the States. Now, here is an independent body and that body will look into all the aspects of the financial posi-. tion and how the funds should devolve. This is very important.

You said about the Election Commission. You have got objection for setting up of Election Commission and you say that there should be independent Election Commission. Hon. Member, Shri Upendraji, Shri Advaniji are correct in saying that there is local administration for holding elections and it has been helped so far by the States, taking the help of the Election Commission of the State. Here also, we have said that the Election Commission, which is an independent body, which is an autonomous body, would make use of ■ the State machinery and that the elections would be conducted by the Election Commission. I do not think that this is also going to change the basic structure.

Then, the provision in "regard to the C&A.G. He is an independent au- ■ thority. The institution of C&A.G. is an autonomous one. This should not be under the influence of the State Governments or the Central Government. I would like *to* point out here that the C&A.G. was conducting audit even in regard to the Central funds. Whatever amount we have been sending from the Contingency Fund of India, it was being audited. Now, we are making a' provision. The objee tive is to see that nobody i_s able to manipulate, even the State machinery is not able to manipulate. Everybody wants that the C&A.G. should be an independent authority. Here also, the C.&A.G. would use the machinery of • the State Government. It is already there. Auditing is being done. As you have said, it cannot be audited by other people.

SHRI PARTVATHANENI UPENDRA: If they ignore that report, as you have done here, what will happen?

"SHRI JANARDHAN POOJARI: Hon. Member, Sh'ri Ahluwalia, read the C&A.G: report pertaining to Central schemes, particularly, ...

SHRI PARVATHANENI UPENDRA: Bofors.

SHRI JANARDHAN POOJARI: He read the report pertaining *to* Central schemes and the misuse by States. This shows that there was. a provision earlier also in regard *to* auditing by the C&A.G. Now, this provision is being incorporated in the Constitution itself.

You say that the basic structure is* affected. How is it affected? This is a State subject. We have made It

very clear. Even the hon. Prime Minister has made it very clear that we are not going to take this subject from the State List to the Concurrent List or the Union List. This continues to be in the State List and all the panchayati raj institution's would be, and are, under the administrative control as well as administrative supervision of the State Government. I do not know why there should be any doubt this.

Hon. Members have said that we are not introducing anything new here. Take, for example, the RLEGP. Here, every project has to be referred from the village-level to the district administration, then to the State administration and finally to the Department of Rural Development here. It has to come from the village to Delhi. There was a recommendation by district Collectors. They said, 'Why should it go to Delhi?'. The Prime Minister said, 'It should not go to Delhi; it should be decentralised.' He said that involvement of the' people should be there. There will be gram sabhas,, there will be village assemblies. People will assemble there. They will, hereafter, look into this and they will say that this is the priority to be given for this project. People will be involved. They will decide the things in the village assembly and they will give the sanction. Is it not a big change? Is it not decentralisation? Our Department will not have any power to approve. any project coming from the village-level through the district and State administrations. These things will not come here. They will be decided at the ground-level itself. This is decentralisation from the top. not only up to the State-level but even up to the ground-level. But unfortunately, some States—T can say, Opposition-ruled States and Congress-ruled States also—do not want decentralisation up to the ground-level. They want decentralisation from Delhi uo to the State-level only. They do not want further decentralisation. *(Interruptions)* The hon. Prime Minister is implementing decentralisation of powers. We have to keep this in mind. We have to appreciate this. It is for the first time that this is being done. For the first time it has happened. Are we not to appreciate the hon. Prime Minister for that? (Inierrup* *tions).* I do not know whether you are interested in knowing the things. Let the House decide it. What was happening in the past? You are representing the interest of States and, therefore, I wish to bring it to your notice. We used to send money directly to the State Finance Ministry. They were using the money for different purposes. They were diverting it and it used to take three or four months to trickle down to district level. What was the result? The result was that the money did not reach district or panchayat level at the right time. Suppose, they take three or four months. The summer is gone ,for example, in West Bengal or in Karnataka or in Maharashtra, then what has to be done? There we have to make an improvement. From Delhi to Bangalore or to Bombay or to Lucknow it should go directly.. It is going to the panchayat. No intermediary is there. Should the State have some commission for taking money to that level? I do not think there should be an intermediary. After all, the money is meant for the Panchayat. It could be sent directly from Delhi to that place. Audi what is the ultimate result? The .ultimate result is efficiency in the administration. Performance will be better. And for the information of the hon. Members, it is not done for the first time. Under IRDP the amount is sent directly from here to the dist-' ricts. Hence, there js practically no basis for any apprehension that we are going to endanger or subvert the[1] basic structure of the Constitution. On the contrary, by these measures the Prime Minister has strengthened the basic structure of the pjanchayati institutions and urban body institu-

[Shri Janardhan Poojari]

turns. It is not at all going to hurt any person.

Hence I am telling you that we should not make an issue out of it. What Mr. L. K. Advani has stated is correct.

SHRl LAL. K. ADVANI: I feel embarrasses by this repeated reference. Either you accept my amendments, or...

SHRI JANARDHAN POOJARI: I am just telling you. At least I feel that one should be convinced of the measures taken by • the hon. Prime Minister for the first time.' Why I am submitting this is, so far in the Constitution there was no provision for reservation for women. For the first time it has been incorporated in the Constitution. Not Only that, reservation for the Scheduled Castes and Tribes in proportion to their population that has also been done. It is your desire also. It is your wish also that there should be reservation for weaker sections and that the panchayati raj institutions should be strengthened. When it is the desire of the people why should we not support this Constitution Amendment Bill? And you feel that the credit will go to Mr. Rajiv Gandhi. That is your apprehension. I submit, Sir, Shri Rajiv Gandhi is the Prime Minister of the nation, he is an institution by himself. (Interruptions). Please hear me. If at all by these measures you are going to get credit it is all right, but even the hon. Prime Minister has not taken the interest of the Congress party according to the criticism of our own Congress party leaders. For example, in Karnataka mandals the majority belongs to the Janata party. In West Bengal Communist people are there. In Kerala Communist people are there. Our people say, the Prime Minister is going to earn the interests of the party. But the money is going to them and more power is given to the local bodies, they are in large numbers. They are going to make use of it. More developmental activities will be there and ultimately in these States it will be difficult for us to come back. But the hon. Prime Minister has stated that it is not a question of party it is a question of India, the Indian people, it is a question of the welfare of the people, it is a question of administration. Here is a man, our Prime Minister, i can tell you, he has not acted as a politician. He has acted as a statesman. At least for this, you should support him and say that here is a measure which is going to help the nation, which is going to help the administration. And for that purpose, all of us should unanimously support it. Otherwise, I warn you... *(Interruptions)* I went to Tamil Nadu the other day. The hon. Member from Tamil Nadu has stated that it will be fatal for us. Here I submit that I was in Tamil Nadu the other day. I was attending a function. The Chairman of the panchayat was there. Without knowing, the Chairman of the Panchayat told that meeting that their Chief Minister was not opposing it. Then I said that he was opposed to it and he was not going to support it and it had come in the papers. Then he said: "No, no, we are for it". Then he said; "You are not making a correct statement. Our Chief Minister is supporting it".

SHRI V. GOPALSAMY; What is this? He is confused. He does not know anything. *(Interruptions)*

SHRI JANARDHAN POOJARI: Then the Chairman walked out from that meeting Saying that their Chief Minister was supporting it and on the contrary I Was misleading... *(interruptions)*

SHRI V. GOPALSAMY; Have you read the letter of our Chief Minister to the Prime Minister? What is he talking?

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): Please sit down, Mr. Oopal*aray. (Interruptions)

SHRI V. GOPALSAMY; These Bills should be totally rejected by the Parliament. . We are very clear that we are opposed to these Bills.

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG); Please sit down, Mr. Gopalsamy. I have not allowed you... Mr; Ansari, please sit down.

8.OO P.M.

SHRI JANARDHAN POOJARI; We adore Kamraj . Kamraj had never stated that there should not be any improvement. Mr. Kamraj never stated that there should not be any' improvement. If there is improvement in the efficiency it would be all the better, and we are improving the system. Under these circumstances, I appeal to all the Members here to support these. Otherwise, it will be very, very difficult for you to face the people,, your own grass root level representatives and, I tell you, you will be thrown out by the electorate of the country. It will not support you when power is given to them—and the power is going to the people. For the first time it has happened and it will be appreciated by the electorate of this country. Let us wait and see. You try to defeat it. We will face it.

SHRI V. GOPALSAMY: The Congress is going to be routed in the next Parliamentary elections.

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG); Please sit down. *(.Interruptions)*

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Sir, please adjourn the House.

SHRI PARVATHANENI UPENDRA: Go on.

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): Let it continue. Now there are two Ministers, Mr. Dalbir Singh and Mr. Shivraj Patil. First there will be a small intervention by Mr. Shivraj Patil... *(Interruptions)*

SHRI PARVATHANENI UPENDRA: Now, the speaker should be from this side.

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): I will call from this side also, but there will be a short intervention by the Minister. It is for the Chair to decide. I will call from this side also. First I am calling Mr. Shivraj Patil.

SHRI V. GOPALSAMY: That is not the procedure... *(Interruptions)*

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): It is a short intervention.

SHRI DIPEN GHOSH; It is not done like that. It should be one from each side. This is never done in the Rajya Sabha.

SHRI LAL K. ADVANI: Is it a separate statement he is going to make about his Ministry or is it on the discussion of the Bills? This would be for the first time in 40 years that two Ministers are intervening! in succession. Is it dilatory tactics, deli-, berate? Why? ,

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): Not deliberate. *(Interruptions)*

श्री लाल कृष्ण आडवानी : कभी पहले ऐसा नहीं हुआ 40 साल में कि दो मंत्री इंटरवेंशन करें लगातार (व्यवधान)

उपसभा व्यक्ष (श्री मीरजा इर्शादबेग) : उन्होंने कहा है कि दो चार मिनट उन्होंने अपनी बात कहनी है। इसी लिए मैं उनको बुला रहा हूं ... (व्यवधान)

श्री लाल कृष्ण आडवाणी। मैंने एक परंपरा का उल्लेख किया है .. (व्यवधान)

उपसभाध्यक्ष (श्री मीरजा इर्शादबेग) : आडवाणी जी, आप सीनियर मेंबर हैं। उन्होंने यह कहा कि उन्होंने दो तीन पाइंट रेज करने हैं, दो तीन मिनट के लिए उन्होंने कहा है कि समय दे दीजिए ...

That is why I have called his name. Thereafter I will be calling from your side.

SHRI D. B. CHANDRE GOWDA: He is a speaker himself. Let him say. ,

श्री लाल कृष्ण आडवाणी : मैंने एक परंपरा का उल्लेख किया है। अगर कोई अलग मामला उठाना चाहते हैं तो वह बात अलग होती लेकिन अगर बहस के दौरान कोई मंत्री इंटरवेंशन करता है तो उस इंटरवेंशन की कोई परम्परा होनी चाहिए, कोई प्रक्रिया होनी चाहिए। अभी अभी एक मंत्री को हमने सुना है। स्वाभाविक रूप से इधर से भी मैंबर बोलना चाहते हैं। तो यहां से कोई मैंबर बोलेगा.... (**व्यवधान**)

उपसभाध्यक्ष (श्री मीर्जा इर्शादबेग): पाटिल जी आप उनकी बात मानेंगे ?

श्री शिवराज पाटिल : जी हां, मुझे ऐतराज नहीं है ... (**व्यवधान**)

उपसभाध्यक्ष (श्री मीर्जा इर्शादबेग) : श्री चतुरानन मिश्र जी आप बोलिए।

श्री चतुरानन मिश्र : हमने तो आपका कुछ नहीं बिगाड़ा था, हम ही को सजा मिल रही है ... (**व्यवधान**)

SHRl V. GOPALSAMY: The Treasury Benches are totally -empty.

SHRl GURUDAS DAS GUPTA: How long can we sit? Chaturananji, please wait.. .., (*Interruptions)*... How long should we sit? We cannot sit late into the night. Please sit, down, don't speak, Mr. Chaturanan Mishra. ... *(Interruptions)*... What is the time now? It is already eight o'clock. Have you arranged dinner for us? It is already eight o'clock in the night.

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): It is up to the House to decide.

श्री लाल कृष्ण आडवाणी : आज प्रातः काल यह मामला उठा था, अभी तक उस समय से लेकर संसदीय कार्य मंत्री यहां पर पहुंचे नहीं हैं। सदन को कोई ज्ञान नहीं है कि सरकार का इरादा शुक्रवार को इस विधेयक को पास करने का है या नहीं। जिस प्रकार से दो दो मंत्री खड़े हो रहे हैं, हमारे मन की आशंका हो रही है कि इस बिल को अगले सेशन तक चलाएं। अगर यही नीयत है तो बता दें। उसी हिसाब से सारा बिजनेस चलाया जाए। Let it be clear.

SHRI PARVATHANENI UPENDRA: Let it be frank.

उपसभाध्यक्ष (श्री मीर्जा इर्शादबेग) : अभी डिसकशन जारी है (**व्यवधान**)...

श्री लाल कृष्ण आडवाणी : सुबह से हम पूछ रहे हैं कि कम से कम (**व्यवधान**)

उप-सभाध्यक्ष : (श्री मीर्जा इर्शादबेग) कम से कम इसकी अवधि तो पूरी होनी चाहिए (**व्यवधान**)

SHRI PARVATHANENI UPENDRA: What is their intention? Is it to pass it or not? That is all.

उपसभाध्यक्ष (श्री मीर्जा इर्शादबेग) : अभी इस बहस का बहुत समय बाकी है। (**व्यवधान**)

श्री लाल कृष्ण आडवाणी : इसमें दो-दो मंत्री एक के बाद एक खड़े होते हैं बोलने के लिए तो हमारे मन की शंका और भी बढ़ जाती है (**व्यवधान**)

उपसभाध्यक्ष (श्री मिर्जा इर्शादबेग): जब चर्चा अन्त पर आती है तब इसका डिसिजन होता है कि समय निर्धारित करें (**व्यवधान**)

SHRI V. GOPALSAMY: Why are the Treasury Benches empty?

SHRI PARVATHANENi UPENDRA: No, Mr. Vice-Chairman. It Is not the number of speakers, it is the num

ber of hours. Sixteen hours have been allotted. How many hours are left?

THE VICE-CHAIRMAN (SHE! MIRZA IRSHADBAIG): How many hours have we finished?

SHRI PARVATHANENI UPEND-RA: We have already finished about 8 hours.

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG); Still there are many more hours.

SHRi PARVATHANENI UPEND-RA: Let them tell us now whether they are going to finish It on Friday or not.

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): At an appropriate time the Parliamentary Affairs Minister will tell us. *(Interruptions)*

SHRI PARVATHANENI UpEND-RA: If they are not serious,-let them tell us. But they "cannot play with the House and the Members like this.

श्री लाल कृष्ण आडवाणी : अगर यही नीयत है तो वह भी बता दें । (व्यवधान)

SHRI PARVATHANENI' UPEND-RA: You have extended the session by three days to consider the Bills. How can you drag your feet today? *(Interruptions)* You have to come out with your statement that you are not serious. The blame will be On you, not on us.' *(Interruptions}*

PROF. C. LAKSHMANNA: Mr. Vice-Chairman Sir, I am on a point of order.

THE VICE-CHAIRMAN (SHRI MIRZA* IRSHADBAIG): Please sit down, *(interruptions)*

■ SHRi PARVATHANENI UPEND-RA: We are ready to sit to complete this. Why are they running away? (Interruptions)

PROF. C.. LAKSHMANNA: Let us know about it from the Parliamentary Affairs Minister. Let him state clearly when the reply will be there, when the voting will take place. The decisions are not taken in an ad-hoc manner like this. We want to know what the thinking of' the Ministry, the Government is. Let the Parliamentary Affairs Minister tell us about it. He is sitting there. Let him state when the reply is coming and when the voting is coming.

SHRI SHIVRAJ PATIL On behalf of the Government...

SHRI PARVATHANENI UPEND-RA; You extended the session for three days. Why are you dragging . your feet today?

PROF. C. LAKSHMANNA: Let him say when the reply will be there. ■ Then - we will sit. We do not mind siting the whole night. That is not the question. Let us have a purpose.

SHRI SHIVRAJ PATIL: Sir, on behalf of the Government, we leave it to the Chair, how the proceedings of the House should be conducted, for how much time we have to sit. We are ready to abide by' any decision given by the Chair.

SHRI PARVATHANENI UPEND-RAr What is your intention? Do you want, to finish the Bills or not? You categorically -answer whether you want to finish these Bills or not. *(Interruptions)*

SHRI DIPEN GHOSH: Mr. Vice-Chairman, 16 hours have been allotted for discussion on these two Amendment Bills'. We have spent in the meantime three-and-a-half hours the, day-before-yesterday and almost another three-and-a-half hours,, four hours today by this time. That come to seven-and-a-half hours or eight hours. So another eight hours or nine hours are still there.

SHRI CHATURANAN MISHRA! I want to know one thing.

SHRI DIPEN GHOSH; Listen I am going to say this.. In the Business Advisory Committee when it was discussed whether it will be for 3 days or four days, as Mr. Chaturanan Mish. ra was saying, Chairman replied that it was for sixteen hours, not days. That was categorically said. You are aware of that. You were also present in that meeting. So, today we " can complete it. We can sit here for another seven hours or eight hours and complete the discussion. Will the Prime Minister come at four o'clock or three o'clock tomorrow morning to reply to it? Let the voting be started oh Friday. We want to know this. We are inclined to sit overnight here today and to complete the discussion so that on Friday morning at eleven o'clock you can just start taking votes. We want to know about this from the Government. We have an apprehension that the Government wants to run away from the voting because it does not have the two-thirds majority. (In. terruptioris)

SHRI V. NARAYANASAMY: That day you ran away.

SHRI DIPEN GHOSH: All right. I take that they are not running away, but let them say that on Friday at what hour the Prime Minister will reply and voting will start.

SHRI V. GOPALSAMY: Their position is very precarious.

SHRI K. G. MAHESWARAPPA (Karnataka): Let here be a statement from the Government side. (Interruptions)

श्रम मंत्रालय ; राज्य मंत्री तथा संसदीय कार्य मंत्रालय में राज्य मंत्री (श्रीराधाकिशन मालवीय) : माननीय उपसभाध्यक्ष जी, बोलने वाले मेम्बर बहुत हैं। डिबेट के ऊपर 16 घंटे का टाइम एलाट हुआ है। इसमें से तीन साढे तीन घंटे डिबेट हो चुकी है। जब सुबह से ही इस पर डिबेट शुरु की गई थी। हमारी कांग्रेस की तरफ से कोई मेम्बर नहीं बोले। इन्हीं की तरफ से रोज ही छुछुन्दर निकाले जाते हैं ..व्यवधान).

श्री यशवंत सिन्हा : इन्होंने अभी "छुछुन्दर" शब्द का क्या इस्तेमाल किया है ... (व्यवधान)

श्री राधाकिशन मालवीय : यह डिबेट शुरू हुई, आपस में दोनों साइड के मेम्बर बोलें, फिर जब यह टाइम पूरा हो जाएगा तो जैसे चेयर रूलिंग देगी वैसा हम मानने के लिए तैयार

श्री पर्वतनेनि उम्पेंद्र : आपका क्या इरादा है, यह तो बताइए।

श्री लाल कृष्ण आडवाणी : आपने प्रधान मंत्री जवाब कब देंगे, उसकी जानकारी नहीं दी है। हम चाहते हैं कि संसदीय कार्य मंत्री यह जानकारी दें कि प्रधान मंत्री बहस का जवाब देंगे ?

PROF: C. LAKSHMANNA; The Minister has stated nothing. We have made it very clear that we are prepared to discuss it for another eight hours also, provided the Government, comes forward and makes a statement that on Friday at ll o'clock there will be a reply by the Prime Minister and then there will be voting. If it is not done... *(Interruptions)* Let the Minister say categorically what the position.is.

उपसभाध्यक्ष (श्री सीताराम केसरी) : देखिये, संसदीय कार्य मंत्री ने आपकी जो बात थी वह भी सुनी और उन्होंने अपनी तरफ से रिप्लाई दिया है। जाहिर है कि उन्हें क्या देना चाहिए और क्या नहीं देना चाहिए, इसके लिए चेयर कान्ट डिक्टेट। उन्होंने कहा है कि अभी चर्चा जारी है और चर्चा जब खत्म होने को आएगी तो तब जाकर वे अपना कोई डिसीजन लेंगे। तो अब नेक्सट स्पीकर हैं श्री चतुरानन मिश्र ... (व्यवधान) ...

श्रीमती रेणुका चौधरी : जवाब मिलेगा या नहीं, यह बताइये।

SHRI M.. S. GURUPADASWAMY: May I make a submission, Sir? I just want to add to what my colleagues have already said. The Prime Minister had said the other day while he

was introducing the Bills that he would reply to the debate. It is on-record. The debate has to end and the Bills have got to be voted on Friday. The Prime Minister has got a programme in Karnataka on Friday. This is my understanding. He has already fixed his programme in Karnataka .for the whole day On Friday. We want to know whether he is going to reply to the debate on Friday if the Bills have to be vated on that day. We want to know whether he is going to reply to the debate on Friday, if the Bills have to be voted on that day. We are not aware... *(Interruptions)*... We want to know.

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): I have already asked the Parliamentary Affairs Minister and he has already given the reply... *(Interruptions)*

उनको क्या जवाब देना चाहिए यह मैं नहीं कह सकता हूं । लेकिन उन्होंने जवाब दिया है ...(व्यवधान)..

श्री लाल कृष्ण आडवाणी : उन्होंने कहा कि मैं विवश हूं, मुझे पता नहीं है ।

उपसभाध्यक्ष (श्री मीर्जा इर्शादबेग) : पार्लियामेंटरी अफियर्स मिनिस्टर ने जवाब दे दिया है । बहस आगे चलाइये । मिश्रा जी आप बोलिये ।

श्री लाल कृष्ण आडवाणी : उन्होंने जो कुछ कहा वह यह है कि मैं भले ही संसदीय कार्य मंत्री हूं लेकिन मेरी दशा दयनीय है, मैं कुछ नहीं बता सकता ।

SHRI N. E. BALARAM: Let them say when he is going to reply to the debate.

SHRI PARVATHANENI UPENDRA; It suits theme either way. Let them decide whatever they want. If they want to proceed with it, let them proceed with that. If they do not want to proceed with it, they can run away.

उपसभाध्यक्ष (श्री मीर्जा इर्शादबेग) : चतुरानन मिश्रा जी, आप बहस आगे बढ़ाइये । ...(व्यवधान)... आपने सुना नहीं । आप शायद पढ़ रहे होंगे । आप बहस आगे बढ़ाइये ।

श्री लाल कृष्ण आडवाणी : अगर सरकार का इरादा शुक्रवार को पास कराने का नहीं है तो चतुरानन मिश्रा जी शुक्रवार को बोलें । हमें कोई आपत्ति नहीं ।

उपसभाध्यक्ष (श्री मीर्जा इर्शादबेग) : वे बोलना चाहते हैं आप उन्हें क्यों रोकते हैं ? ...(व्यवधान)...

श्री चतुरानन मिश्र : उपसभाध्यक्ष महोदय, मैं सिर्फ इतना ही कहना चाहता था कि सवेरे आपने हाजी मस्तान को बुलाया और शाम को पुजारी जी को बुलवाया । काहे को हम लोगों को तंग कर रहे हैं । अगर टाइम है तो हम लोग फाइडे को जुम्मे की नवाज पढ़कर आयेंगे तब जो कुछ करवाना हो करवा लीजिये ।

उपसभाध्यक्ष (श्री मीर्जा इर्शादबेग) : नमाज दोपहर को होती है ।

SHRI V. GOPALSAMY: Mr. Bhagat has come.

SHRI PARVATHANENI UPENDRA. Mr. Bhagat, we want to know^ whether you want to proceed with these Bills or you want to run away.... *(Interruptions)*...

THE MINISTER OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF INFORMATION AND BROADCASTING (SHRI H. K. L. BHAGAT): We never run away like you, number one. Number two, the debate has been fixed for 16 hours and many Members wish to speak. Now the debate has to take place for 16 hours and you know for how many hours the House has debated these Bills so far. Some can speak on Friday also. We will take a decision only after the debate is completed... *(Interruptions)*...

' PROF. C. LAKSHMANNA; That is not the rule.

SHRIMATI RENUKA CHOWDHURY: We have no intention of running away... *(Interruptions)*. You are under misconception of running away, We don't organise running away for the country, from the country and before the country. We don't do it.

SHRI H. K. L. BHAGAT: Madam, I respect you more than I respect... *(Interruptions)*

SHRI LAL K. ADVANI: Mr. Vice, Chairman, Sir, I am happy that Mr. Bhagat is here. If I were to sum up the discussion that has taken place just now on so far as these Bills are concerned, from this side apprehensions have been expressed that perhaps the Government does not want to complete the discussion on the Bills on Friday.

SOME HON. MEMBERS; Why?

SHRI LAL K. ADVANI: I said it is an apprehension. It may be absolutely unfounded. Therefore, a suggestion was given from my side that So far as Opposition is concerned, we are willing to sit the whole night to complete the sixteen hours. This is an Opposition suggestion that we are willing to sit the whole night to get the discussion on the Bills completed. We would only like" to know from the Parliamentary Affairs Minister at what time the Prime Minister is going to reply to the debate.

SHRI H. K. L. BHAGAT; The Prime Minister .will reply when the debate is over. Sir, now Mr. Lal K. Advani is expressing an apprehension that the debate may not be over by Friday. I have also a feeling that a large number of people are speaking and more people want to speak. As I said, 87 to 89 people sspoke in Lok Sabha. So, therefore, we ean take stock of the position again on Friday morning. The Business Advisory Committee can meet. *(Interruptions)*.. No, no. Whatever your view may be, we are not for completing the debate tonight. It cannot be done and it should not he done. *(Interruptions)* ...

SHRI DIPEN GHOSH: Are you prepared to sit overnight today and complete the 16 hours' debate? (Interruptions)

SHRI H. K. L., BHAGAT; Shall I remind you of all your arguments to which I relented? I relented to all your arguments... (Interruption).. .

SHRI DIPEN GHOSH: Mr. Vice Chairman, Sir, what I have understood from the statement of the Minister is. that as soon as 16 hours debate is completed, the Prme Minister will reply. So, my question is... *(Interruptions)*...

SHRI V. GOPALSAMY: Sir,'... *(Interruptions)*...

THE . VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): No, I have called Mr. Pawan Kumar Bansal.

SHRI PAWAN KUMAR BANSAL (Punjab): Sir, just as an ordinary Member of the House, I want to make a submission that we all want to participate in this important discussion. On Monday, we wanted the discussion to go 6n but our hon. friends on the other side did not want to sit even ten minutes beyond 6 o'clock So, we wanted half an hour o_n the procedural wrangles only. As Members, we would like to participate in the discussion even if it has to be extended or till whatever time the debate has to go on. And what happened today? Who were the people who wasted the time of the House? I do not want to use that word. *(Interruption)*.

SHRI PARVATHANENI UPENDRA; Haji Mastan... *(Interruptions)*.

SHRI PAWAN KUMAR BANSAL: Sir, the Government is sincere about it. We are all concerned about it.

SHRI V. GOPALSAMY: Sir, Mr. Advani sought a specific clarification whether the Prime Minister will come

hare on Friday to reply to the debate. For that, Mr. H- K. L. Bhagat did not say anything. So, I would like to know from Mr. Bhagat what is his answer. *(.Interruptions)...*

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): He has already replied... *(Interruptions)*

SHRi H. K. L. BHAGAT: It has happened not because of time. The House has taken more time sometimes than the time allotted. If the House wants to 'debate more ultimately, there will be more debate. (Interruptions) . Why not?

You should have participated the other day. I requested all of you to sit but you were not prepared to. sit half an hour on this issue and today what you are doing is only a drama. (Interruptions).. .1 know how clear you are. i surrendered to your opinion. The other day you said, no, no; -we do not want to sit.

SHRI PARVATHANENI UPENDRA: Today, at.2 o'clock, we told Mr. Bhajan Lal that we are prepared to sit late hours. *(Interruptions)...*

श्री लाल कृष्ण आडवाणी : उपसभाध्यक्ष जी, मैं भगत जी की मजबूरी समझ सकता हूं। उन्होंने जो कुछ कहा है उसका अर्थ भी हम समझ गये तो आप मजबूर क्यों करते हैं चतुरानन जी को अर्थ बोलने के लिए। शुक्रवार को बोल लें उनको भी सुविधा हो जायेगी।

श्री एच० के० एल० भगत : : चतुरानन जी शुक्रवार को बोल लें मुझे कोई [illegible] ...

Mr. Advani Ji is suggesting putting his own interpretation of what I have said. I do not agree with his interpretation. But I think, Mr. Advani Ji is suggesting in that case, Chaturanan Mishra can speak on Friday as a first speaker. I have no objection. Let the House be adjourned.

उपसभाध्यक्ष (श्री मीर्जा इर्शादबेग) आप बोलना चाहते हैं।

श्री चतुरानन मिश्र : ठीक है, हम फाइडे को बोलेंगे। आप जिनको बुलवाना हो बुलवा लीजिए।

उपसभाध्यक्ष (श्री मीर्जा इर्शादबेग) : हाउस का मूड देखते हुए सदन की कार्यवाही फाइडे 11 बजे तक के लिए स्थगित की जाती है।

The House then adjourned at twenty-five minutes past eight of the clock till eleven of the clock on Friday, the 18th August, 1989.